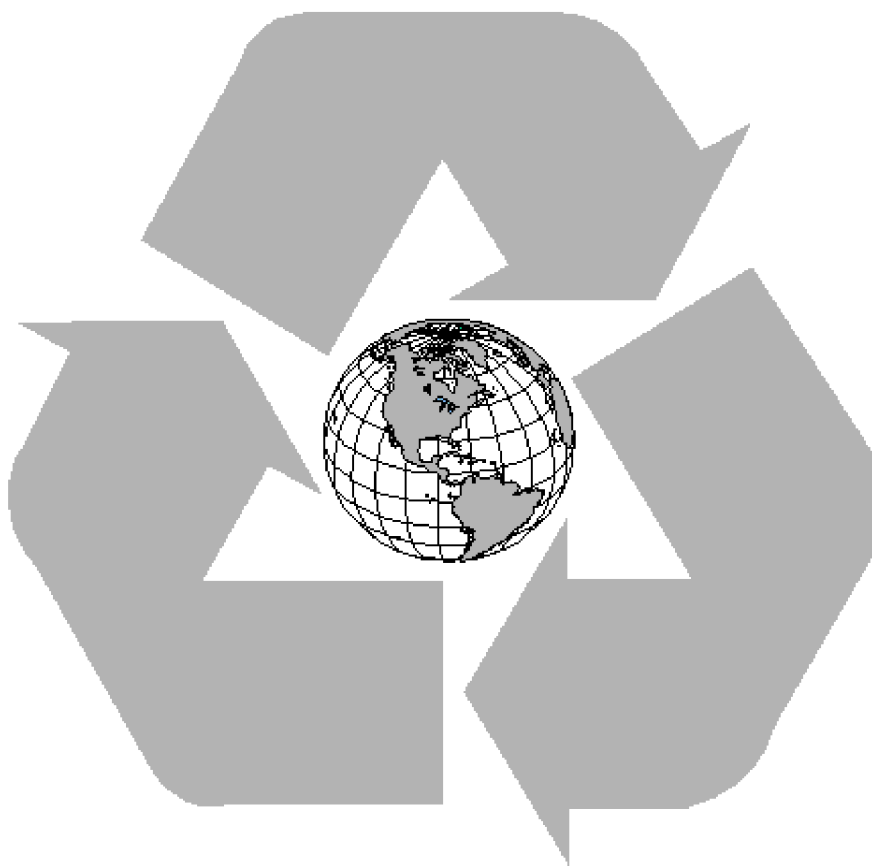

The Brownfields Economic Redevelopment Initiative

Application Guidelines for Brownfields Assessment Demonstration Pilots



EPA's Brownfields Assessment Demonstration Pilots

Introduction

As a part of the Environmental Protection Agency's (EPA) Brownfields Economic Redevelopment Initiative, the Brownfields Assessment Demonstration Pilots are designed to empower States, communities, and other stakeholders in economic redevelopment to work together in a timely manner to prevent, assess, safely cleanup, and sustainably reuse brownfields. EPA has awarded cooperative agreements to States, cities, towns, counties, and Tribes for demonstration pilots that test brownfields assessment models, direct special efforts toward removing regulatory barriers without sacrificing protectiveness, and facilitate coordinated public and private efforts at the Federal, State and local levels. To date, the Agency has funded 76 Brownfields Assessment Pilots. Of those pilots, 39 are National Pilots selected under criteria developed by EPA Headquarters and 37 are Regional Pilots selected under EPA Regional criteria.

EPA expects to select 25 additional National assessment pilots by March 1997. The deadline for the new applications for the 1997 assessment pilots is January 13, 1997. Previously unsuccessful applicants are advised that they must revise and resubmit their applications. Applications submitted before November 1996 will not be considered for the 1997 National assessment pilots.

Background

Many sites across the country once used for industrial/commercial purposes have been abandoned or are under-used—some are contaminated, some are merely perceived to be contaminated. A report from the General Accounting Office (GAO: Community Development, Reuse of Urban Industrial Sites, June 1995, GAO/ RCED-95-172) finds that:

“As states and localities attempt to redevelop their abandoned industrial sites, they have faced several obstacles, including the possibility of contamination and the associated liability for cleanup ... This situation is caused largely by federal and state environmental laws and court decisions that impose or imply potentially far-reaching liability. The uncertain liability has encouraged businesses to build in previously undeveloped nonurban areas—called ‘greenfields’—where they feel more confident that no previous industrial use has occurred.”

The National Environmental Justice Advisory Council (NEJAC) has likewise “determined that there exists a compelling need to address issues of economic development and revitalization of America’s urban [and rural] communities.” The NEJAC has requested that EPA:

“Provide leadership in stimulating a new and vigorous national public discourse over the compelling need to develop strategies for ensuring healthy and sustainable communities in America’s urban [and rural] centers and their importance to the nation’s environmental and economic future.”

EPA's Brownfields Initiative

EPA defines brownfields as abandoned, idled, or under-used industrial and commercial facilities where expansion or redevelopment is complicated by real or perceived environmental contamination. EPA's Brownfields Economic Redevelopment Initiative is an organized commitment to help communities revitalize such properties both environmentally and economically, mitigate potential health risks, and restore economic vitality to areas where brownfields exist. Experience gained from the brownfields assessment pilots, along with partnerships and outreach activities, is providing a growing knowledge base to help direct EPA's Brownfields Initiative. A clean and healthy environment is not the enemy of a growing and robust economy. Successful brownfields redevelopment is proof that economic development and the environment can, and indeed, must co-exist.

EPA's efforts under the Brownfields Initiative can be grouped into four broad and overlapping categories:

- Providing grants for brownfields pilot projects;
- Clarifying liability and cleanup issues;
- Building partnerships and outreach among federal agencies, states, municipalities, and communities; and
- Fostering local job development and training initiatives.

The brownfields assessment pilots (each funded up to \$200,000 over two years) test cleanup and redevelopment planning models, direct special efforts toward removing regulatory barriers without sacrificing protectiveness, and facilitate coordinated environmental cleanup and redevelopment efforts at the federal, state, and local levels. These funds are to be used to bring together community groups, investors, lenders, developers, and other affected parties to address the issue of cleaning up sites contaminated with hazardous substances and preparing them for appropriate, productive use. The pilots serve as vehicles to explore a series of models for states and localities struggling with such efforts.

These pilots focus on EPA's primary mission—protecting human health and the environment. However, it is an essential piece of the nation's overall community revitalization efforts. EPA works closely with other federal agencies through the Interagency Working Group on Brownfields and builds relationships with other stakeholders on the national and local levels to develop coordinated approaches for community revitalization.

Guidelines for the Preparation of Proposals

Funding for the brownfields assessment pilots is authorized under Section 104(d)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, (CERCLA or Superfund), 42 U.S.C. 9604(d)(1). States, cities, towns, counties, U.S. Territories, and Indian Tribes are eligible to apply. EPA welcomes and encourages applications from coalitions of such entities, but a single eligible entity must be identified as the legal recipient. Cooperative agreement funds will be awarded only to an officially recognized political subdivision of a state.

Through a brownfields cooperative agreement, EPA authorizes an eligible state, political subdivision, Territory, or Indian Tribe to undertake activities that EPA itself has the authority to pursue under CERCLA sections 104(a) or 104(b). All restrictions on EPA's use of funding cited in CERCLA section 104 also apply to brownfields assessment pilot cooperative agreement recipients. Brownfields demonstration pilot proposals should conform to the following guidelines:

- Pilot activities should be directed toward environmental activities preliminary to cleanup, such as site assessment, site identification, site characterization, and site response or cleanup planning and design for areas that have an actual or threatened release of a hazardous substance, pollutant, or contaminant. "Site identification" in this case means the identification of sites at which such contamination may be an issue of concern. These activities can encompass administration, outreach to stakeholders, or field work associated with site assessment, site identification, site characterization, and site remediation planning and design.
- Brownfields pilot funds may be used to assess, identify, characterize, and plan response or plan cleanup activities at contaminated sites targeted for redevelopment. These funds may not be used to pay for non-environmental redevelopment activities (e.g., construction of a new facility).
- All sites targeted in the pilot must present a threatened or actual release of a hazardous substance or a threatened or actual release of a pollutant or contaminant that may present an imminent and substantial endangerment. However, brownfields assessment pilot funds are not intended to be used for activities at any sites listed on CERCLA's National Priorities List.
- Brownfields pilot funds may not be used for actual cleanup or other response activities often associated with such cleanups (e.g., landscaping and ground-water extraction and treatment). Cleanup costs should be funded through other means, such as state voluntary cleanup programs, state government grants, state tax incentive programs, contributions from responsible parties, and prospective purchaser agreements. EPA does plan to later provide

followup funding to assessment pilots in a cooperative agreement for capitalization of revolving loan funds.

- Brownfields pilot funds may be used for outreach activities that educate the public about assessment, identification, characterization, or remedial planning activities at a site or set of sites. However, the outreach should be directed toward obtaining more effective public involvement and/or environmental assessment and cleanup of hazardous substances, pollutants, or contaminants at affected sites. These funds may not be used for general education activities (e.g., grants to schools for development of curriculum).
- Brownfields pilot funds may not be used for job training. Support for job training activities may be available through the Hazardous Material Training and Research Institute, EPA programs, other federal agency programs, and state and local programs.
- Brownfields pilot funds may not be used to support “lobbying” efforts of the grantee (e.g., lobbying members of Congress, or lobbying for other federal grants, cooperative agreements, or contracts).
- Brownfields pilot funds may not be used for assessment, identification, characterization, or remediation planning at sites contaminated by petroleum products unless they are believed to be co-mingled with a hazardous substance, pollutant, or contaminant (e.g., used oil). CERCLA expressly excludes petroleum from the definition of hazardous substances.
- Brownfields pilot funds may not be used to match any other federal funds without specific statutory authority.
- Brownfields pilot funds may be used to develop creative financing solutions (e.g., tax incentives, revolving loan funds) to brownfields problems. However, federal grant funds may not be used for fund-raising purposes.

Evaluation of the Proposals

The National brownfields assessment pilots are administered on a competitive basis. To ensure a fair selection process, evaluation panels consisting of EPA Regional and Headquarters staff and other federal agency representatives will evaluate the applications. The evaluation panels will assess how well the proposals meet the selection criteria outlined below.

Applications must be clear and decisive, strictly follow the criteria, and provide sufficient detail for the panels to compare the merits of each and decide which application best supports the intent of the pilot program. Vague descriptions, unnecessary redundancy, and inappropriate use of EPA pilot funds may reduce the chance of a favorable rating. Applications providing the best evidence of a true need, a quality project, and appropriate use of funds will have the best chance of being recommended by the panels. Applicants are encouraged to contact and, if possible, meet with EPA Regional Brownfields Coordinators (see list on page 16).

The panels' recommendations will be presented to EPA Senior Management for final selection. When a proposal is selected, applicants will receive a confirmation letter, and the appropriate EPA Regional Brownfields Coordinator and Regional Grants Specialist will be informed. The applicant then will be asked to submit a formal cooperative agreement application package. This package will include a formal work plan that describes the work to be performed, including a Quality Assurance Project Plan, a final budget, and the required certification forms. When an applicant is a county or municipality, an additional letter of support will be required from the appropriate state, Territory, or Indian Tribe as an attachment to the cooperative agreement. The EPA Regional Brownfields Coordinator and Regional Grants Specialist will work closely with the applicant to process and finalize the cooperative agreement package.

Applicants with proposals that are not selected will be informed in writing. An applicant may choose to revise the proposal for submittal by a future deadline announced by EPA at a later date.

EPA's goal is to select a broad array of assessment pilots that will serve as models for other communities across the nation. EPA seeks to identify applications that demonstrate the integration or linking of brownfields assessment pilots with other federal, state, tribal, and local sustainable development, community revitalization, and pollution prevention programs. Special consideration will be given to Empowerment Zones and Enterprise Communities (EZ/ECs) and communities with populations of under 100,000.¹

¹EPA will conduct a special outreach effort to address the unique needs of Indian Tribes.

Structure of the Proposal

Proposals for brownfields pilot projects should consist of the following sections:

- Cover Page [1 page]
- Project Overview [1 page]
- Budget [1 page]
- Responses to Evaluation Criteria [up to 12 pages]
- Attachments [as appropriate; please provide an index]

Attachments should be kept to a minimum. Attachments that will be considered during proposal evaluation include maps and letters of commitment, support, or partnership from other government or private entities. Examples of attachments that will not be considered during proposal evaluation include strategies or plans developed for other programs, advertising brochures, newspaper articles, resolutions, statutes, and videotapes. Information in these types of attachments should be distilled and incorporated into the responses to criteria.

To ensure fair and equitable evaluation of the proposals, please do not exceed the above, single-sided page limitations. In addition, all materials included in the proposal (including maps and other attachments) must be printed on letter-sized paper (8½" by 11") and font sizes may be no smaller than 11 points. Please submit two copies of your application materials, including attachments.

Cover Page

This is intended to identify the brownfields pilot applicant and a point of contact for communication with EPA. This should be on a single page and in the format of your choice.

1. Project title: this should be as specific as possible.
2. Location: city, county, and state of the pilot area.
3. Population of the pilot area.
4. Applicant identification: the name of the main implementor of the project (e.g., state or local agency).
5. Project director: the name of the person who is responsible for the project proposal. We will contact this person if we need further information.
6. Mailing address of the project director.

7. Telephone/Fax/E-mail of the project director.
8. Name of the representative of the appropriate political subdivision (Mayor, County Executive, Tribal President, etc.) if different from the project director.
9. Mailing address of the representative of the appropriate political subdivision if different from the project director.
10. Telephone/Fax/E-mail of the representative of the appropriate political subdivision if different from the project director.
11. Date submitted: the date when the proposal is postmarked or sent to EPA via registered or tracked mail.
12. Project period: the project period must not exceed two years. When planning the project period, take into consideration that a final report is due at the end of the project.
13. Community background: statistics on the demographics and employment in the pilot area.
14. Cooperative partners: give details of the individuals and organizations that have agreed to participate in the implementation of the project.

Project Overview

The Project Overview is an important opportunity to briefly summarize the overall goals and objectives of a proposed pilot. Some of the information you provide in the Project Overview will overlap with the selection criteria. Provide an overview of the following topics:

Background

- The background section should be a description of the factual and historical context for the potentially affected site(s) and community (or communities).
- Discuss the ultimate target or goal of your overall brownfields effort. This may represent broader goals than those to be attained by an EPA brownfields pilot; however, it will provide an important context for understanding how EPA brownfields pilot funding might be used. Goals should be specific, measurable, attainable, realistic, and within a timeframe. Try to be as specific as possible in detailing the means for measuring success.

Goals and Objectives

- Discuss the goals of the EPA-funded aspects of your overall brownfields effort. Please refer to the Guidelines (see page 4) when writing this section.

Budget

- Provide a proposed budget for your project. This should show the distribution of the demonstration pilot funds, including cost estimates for each of the proposed pilot activities. A clear and concise budget is a critical element of the package.

Evaluation Criteria

Your response to each of the following criteria will be the primary basis on which EPA selects or rejects your proposal for one of the pilots. The proposal evaluation panels will review the proposals carefully and assess each response based on how well it addresses each criterion.

1. Problem Statement and Needs Assessment

(4 points out of 20)

Effect of Brownfields on your Community or Communities

- Define your community or communities. This definition will be assumed to apply throughout your response to the criteria unless otherwise noted.
- Characterize the impact of brownfields on your community (or communities) by describing their extent (size, number, location) and providing specific evidence of their economic and environmental impacts. Your response should provide clear links between your community's brownfields and measurable environmental, economic, and social impacts. Maps and demographic data can be provided as evidence of such impacts.
- Describe the process by which brownfields site(s) have been or will be identified. If specific site(s) have not been selected yet, describe the process by which the selection will take place.

Value Added by Federal Support

- Describe how you will use the EPA funding provided through the cooperative agreement to advance your overall brownfields goals and objectives.
- Describe other EPA assistance (technical, legal, enforcement, risk communication, pollution prevention) that might be beneficial to your program.
- Demonstrate how this cooperative agreement will leverage additional resources, support, or assistance for addressing brownfields. Describe additional local, state, or federal sources of technical, financial, or regulatory support that you intend to access and how an EPA pilot may help gain that support. (Brownfields assessment pilot funds may be used in conjunction with other programs to develop creative solutions to community revitalization and sustainable development issues as long as the brownfields pilot funds themselves are used for assessment, identification, characterization, or remediation planning.) Provide any evidence of commitments of support from outside resources that will depend on, or be enhanced by, the cooperative agreement with EPA. Evidence can be documented through letters of support.

2. Community-Based Planning and Involvement

(6 points out of 20)

Existing Local Commitment

- Provide evidence of your community's or communities' interest in brownfields problems. Describe your efforts to involve community-based organizations in developing this proposal. Provide a list of the community-based organizations involved and a contact person, phone number, and brief description of the organization's activities and representation. These organizations may include, but are not limited to, local citizen groups, environmental organizations, civic organizations, local business groups and institutions, educational institutions, and local labor organizations. Evidence of interest can be documented through letters of support.
- Describe your efforts to develop partnerships at the local and state level with other stakeholders to ensure appropriate and sustainable cleanup and redevelopment of brownfields. Stakeholders may include affected public authorities, citizens, responsible parties, current owners, potential future owners, chambers of commerce, lending institutions, developers, labor groups, and other organizations interested in brownfields cleanup and redevelopment.
- Describe the progress that your community has made in the assessment, cleanup, and revitalization of brownfields.
- Describe creative solutions that your community has made in areas of master-planning, pollution prevention, and sustainable development, and describe how these solutions link to brownfields.

Community Involvement Plan

- Describe your plans for ensuring the future, long-term involvement of your communities. Describe existing or proposed processes for actively seeking and using their input. Describe how affected communities will be involved in the selection of sites for the brownfields pilot, future land-use decisions, and site ownership decisions.
- Describe your long-term plans for communicating technical environmental information to the public to help clarify consequences and facilitate discussion of activities performed under the brownfields program. Discuss any special communication needs of disadvantaged communities and how you plan to meet those needs. Describe the expertise available in your area that you might access, such as risk communication specialists, environmental professionals, community colleges, technical associations, and other community-based organizations.

Environmental Justice Plan

- Environmental justice seeks to rectify the disproportionately high burden of environmental pollution that is often borne by low income, minority, and other disadvantaged communities. Describe how these communities have participated in the development of your brownfields plans and will continue participating in their implementation.
- Describe your plans for ensuring that affected disadvantaged populations benefit environmentally and economically (directly or indirectly) from the assessment, cleanup, and reuse of brownfields as proposed in your application. Describe how you plan to ensure that environmental risks to disadvantaged communities are not increased during assessment and cleanup or as a result of redevelopment.
- Describe other steps you have taken or plan to take (outside of the brownfields program) to achieve an appropriate level of environmental quality in disadvantaged communities near brownfields.

3. Implementation Planning

(6 points out of 20)

Appropriate Authority and Government Support

- Describe the legal authority—for example, state or municipal Superfund or voluntary action/cleanup programs or other local, state, Territorial, or Tribal regulatory programs—available for identifying, assessing, and remediating brownfields.
- Provide evidence of support from state and local environmental, economic development, and health agencies. Evidence of support can be documented through letters from these agencies.

Environmental Site Assessment Plan

- Describe your plans to ensure the use of quality environmental sampling and analysis procedures necessary for sound environmental assessments of brownfields. Describe your plans for accessing the technical environmental expertise in your state or region. Describe your plans for ensuring implementation of appropriate health and safety measures during on-site activities.

Proposed Cleanup Funding Mechanisms

- Demonstrate the link between your brownfields assessment program and the eventual cleanup of contaminated areas by identifying potential sources of funds for cleanup. Funding sources may include potentially responsible parties, potential purchasers, financial institutions, or state and local funding programs (funds from an EPA brownfields assessment pilots cannot be used for site cleanup activities). Describe commitments of cleanup funding from these and

other sources. Evidence of support from these parties can be demonstrated through letters from their organizations.

Flow of Ownership Plan

- Describe the anticipated flow of ownership of brownfields properties throughout the process of assessment, cleanup, and redevelopment. Potential scenarios for transferring ownership may include a direct transfer of ownership to a private purchaser or interim ownership by a public authority, court-appointed trustee, or bankruptcy authority. Describe commitments or interest from potential future owners. Evidence of commitments or interest from these parties can be demonstrated through letters of support.
- Describe the problems, particularly with respect to liability, associated with the ownership scenario that you anticipate. Describe how you plan to address these problems, including through partnerships with stakeholders, such as chambers of commerce, business groups and institutions, and lending institutions.

4. Long-Term Benefits and Sustainability (4 points out of 20)

National Replicability

- Describe the local barriers that you will face in revitalizing brownfields. Describe the technical and managerial methods, particularly innovative methods, that you plan to implement to address these barriers and facilitate brownfields cleanup and reuse. Methods may include master-planning for: environmentally friendly future land use, zoning processes that incorporate environmental quality, pollution prevention, sustainable development, new cleanup technologies, environmental awareness training, workforce training and development, environmental justice planning, or other methods to institutionalize environmental policies. Describe how any innovative methods will be implemented.
- Given the complexity and local nature of the problem, no single plan will be applicable nationwide, but how you address specific barriers may provide lessons for others with similar problems. Describe how this project can serve as a model for others to use in addressing barriers to revitalizing brownfields.

Measures of Success

- Describe how assessment, cleanup, and revitalization of brownfields will spur additional beneficial activity in nearby locations, how site assessment will benefit the community, and whether a direct health or environmental threat will be mitigated.
- Describe your plans for measuring success in achieving your brownfields pilot goals. Please ensure that your measures of success are specific and linked to the goals established for your

pilot project. Measures of success may include environmental indicators, economic indicators, institutionalized environmental or communication processes, or other indicators of what you would consider a successful brownfields program.

- Describe baseline measures that you have developed or plan to develop for the measures of success. If baseline measures have not been developed yet, describe how and when you plan to develop them.
- Describe any reports or other deliverables you plan to provide to EPA as documentation of your project's progress and success.

Schedule for Selecting National Brownfields Assessment Pilots

To accommodate the interest of states, cities, towns, counties, Territories, and Indian Tribes in applying for EPA Headquarters' brownfields assessment pilots, the Office of Solid Waste and Emergency Response will accept applications for 25 National Brownfields Assessment Pilots in 1997*. For assistance with your brownfields assessment pilot applications, please call your Regional Brownfields Coordinator (see list on page 16). A detailed activity timeline is outlined below:

Activity Timeline for January 13, 1997, Applications

January 13	Application deadline for 25 EPA National Brownfields Assessment Pilots.
January 13-March	Panels evaluate applications.
March	Announcement of 25 EPA National Brownfields Assessment Pilots awards.

* 37 Regional Brownfields Assessment Pilots have been awarded to date. For more information about Regional Office pilots, please call your Regional representative.

The applications must be post-marked or sent to EPA via registered or tracked mail by January 13, 1997, to:

U.S. Environmental Protection Agency
OSWER Outreach and Special Projects Staff (5101)
401 M Street, SW
Washington, DC 20460

EPA Regional Brownfields Coordinators

If you have questions regarding the application, you may call EPA's Superfund Hotline at 1-800-424-9346 or your Regional representative presented below:

Regions and States		Address and Phone Number
EPA Region 1 John Podgurski	CT, ME, MA, NH, RI, VT	John F. Kennedy Federal Building One Congress Street Boston, MA 02203 Phone (617) 573-9681 Fax (617) 573-9662
EPA Region 2 Larry D'Andrea	NJ, NY, PR, VI	290 Broadway 18th Floor New York, NY 10007 Phone (212) 637-4314 Fax (212) 637-4360
EPA Region 3 Tom Stolle	DE, DC, MD, PA, VA, WV	841 Chestnut Building Philadelphia, PA 19107 Phone (215) 566-3129 Fax (215) 566-3001
EPA Region 4 Barbara Dick	AL, FL, GA, KY, MS, NC, SC, TN	Atlanta Federal Center 100 Alabama Street, SW Atlanta, GA 30303 Phone (404) 562-8923 Fax (404) 562-8896
EPA Region 5 Mary Beth Tuohy	IL, IN, MI, MN, OH, WI	77 West Jackson Boulevard Chicago, IL 60604-3507 Phone (312) 886-7596 Fax (312) 886-2737
EPA Region 6 Stan Hitt	AR, LA, NM, OK, TX	First Interstate Bank Tower at Fountain Pl. 1445 Ross Avenue, Suite 1200 Dallas, TX 75202-2733 Phone (214) 665-6736 Fax (214) 665-6660
EPA Region 7 Susan Klein	IA, KS, MO, NE	726 Minnesota Avenue Kansas City, KS 66101-2728 Phone (913) 551-7786 Fax (913) 551-7063
EPA Region 8 David Ostrander	CO, MT, ND, SD, UT, WY	999 18th Street, Suite 500 (EPR) Denver, CO 80202-2405 Phone (303) 312-6931 Fax (303) 312-6071
EPA Region 9 Jim Hanson	AZ, CA, HI, NV, AS, GU	75 Hawthorne Street, H-1 San Francisco, CA 94105 Phone (415) 744-2237 Fax (415) 744-2180
EPA Region 10 Lori Cohen	AK, ID, OR, WA	1200 Sixth Avenue Seattle, WA 98101 Phone (206) 553-6523 Fax (206) 553-0124

EPA Headquarters Katherine Dawes		401 M Street, SW (5101) Washington, D.C. 20460 Phone (202) 260-8394 Fax (202) 260-6606
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